

United States District Court
for the Western District of Pennsylvania

United States of America,
v.
Frederick Bunkis,
Defendant.

04-CR-176

03-CR-245

MOTION TO Quash Arrest + Search Warrants AND
Motion for Complete Inventory List



A so-called "mail and make" statute may be utilized when it is impossible to serve the party personally or to deliver the process to a person of suitable age and discretion. The party's dwelling or place of abode, Noble White Corp. Inc v. 4111 Hempstead Turnpike Corp., 138 N.Y.2d 466, 545 N.Y.S.2d 873 (2d Dep't 1988). Here, because the defendant was an inmate and an institution subject to the authority of the U.S. Attorney General and the warden, he was immune from service of process of both the arrest warrant and the search warrant and it was improper to execute these warrants because Bunkis was in public business at the U.S. Prison office and the arrest warrant was to be served in his jail. Green v. Washington, 361 F.2d 565 (DC Cir. 1966); Pius v. District Court in and for El Paso County, 408 P.2d 69 (1965); State ex rel. Sunkis v. Waffield, 171 S.E.2d 113 (1969); Miller v. McCarroll, 260 F.3d 929 (CA 11, 1999). The service in these subpoenas was invalid because it was accomplished by fraud. Ben Cerro, et al. Bunkis to come to his office because he had not been given that much and that he had some paperwork for him to sign. When Bunkis appeared, three U.S. marshals arrested him. Ben Cerro was not present yet at the time.

been him that much and that he had some paperwork for him to sign. When Bunkis appeared, three U.S. marshals arrested him. Ben Cerro was not present yet at the time. revocation hearing in his matter he told the judge he was present. The judge specifically asked Cerro where you present at the arrest and Cerro stated "yes" that was a lie. Also, it was found to take 14 prepaid cards out of my residence and not just from the inventory sheet. Both the arrest warrant and search warrant. Process was accomplished by Trickery, lies and deceit and both must be quashed. See v. American Express Co., 131 F.2d 614 (4th Cir. 1943); Tickle v. Benton, 142 Va. 188 (1956). Process may be quashed if the party served was induced to enter the jurisdiction, by an agent, Cerro v. American Express Co., 133 F.2d 818 (CA 11, 1945).

FILED

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CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

all the FBI agent did in this case was contact all my friends and associates to justify his Unconstitutional Conduct so that he could disgrace me in the Community and ruin my business because of my libelous history and status as a Wiccan who practiced Witchcraft all in violation of the First and Fifth Amendments. The agent was upset because I insisted on the return of my Ferrari which I sold with my own eyes parked in the rear of the FBI building on the South Side.

United States of America,

v.

Frederick Banks,
Defendant.

04-CR-176

03-CR-245

Motion to Quash Arrest Search Warrants; AND
Motion for Complete Inventory List

Defendant Frederick Banks ("Banks") hereby moves the Court for the following relief;

Hello. When I was in Court the FBI agent and AUSA provided to me an inventory list from the November 7, 2013 search of my residence. They mentioned subsequently how 14 debit cards were taken from the residence (all of these cards were prepaid cards in my name or were blank. - when a precard is purchased it comes with no name on it which is referred to as a "temporary card" for me it was easier to purchase another card than to "reload" one.)

These 14 prepaid/debit cards were not listed on the FBI inventory sheet. Could the court please order the government to provide me with a complete list of all the items that were taken from my residence. It is not lawful to take items without listing them on an inventory sheet. Also, I never received a copy of the search warrant. When the government knows where a resident is it is not a valid service of process for them to simply leave a copy of a search warrant at a residence they are supposed to leave it with someone, a person. If no one is present they can leave a copy on the premises and mail a copy to the defendant. I move the Court to Quash the search warrant for invalid service of process. I'm aggrieved here and it's a violation of Fed. R. Crim. Proc. 41(f)(3) ("An officer present during the execution of the warrant must prepare and verify an inventory of any property seized. The officer must do so in the presence of another officer and the person from whom, or from whose premises the property") The Inventory here was not properly verified if it was verified at all. I just can't understand how 14 cards were taken yet don't appear on an inventory sheet. Then of course a valid Return did not happen and the receipt was invalid Fed. R. Crim. Proc. 41(f)(c) and 41(f)(d), An unlawful seizure without probable cause in violation of the 4th Amendment. Can the Court please refer this matter to the U.S. Magistrate or officer that issued the search warrant by transferring it to the search docket. Since I was never provided a copy of the search warrant I don't have that docket number. The government should provide a copy of the complete inventory and search warrant to me forthwith.

Also, I request that the Court provide a copy of all the transcripts to me asap of all the hearings conducted in this matter including

the initial appearance and preliminary hearing, the competency and complete revocation hearings and the sentencing hearings. I need these items for the related revocation proceedings in USA v. Banks, 03-245 (WDPA). I'd also like and request a hearing on this motion.

Wherefore, the foregoing motion should be granted. A hearing should be ordered.

Respectfully Submitted,


Frederick Banks

#05711068

NEOC

2240 Hubbard Road

Youngstown, OH 44505

Defendant

Certificate of Service

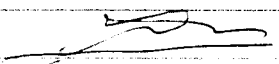
I ~~hereby~~ certify that on this 27th day of November, 2013 I served a true and correct copy of the foregoing by mail delivery upon the following:

Office of the U.S. Attorney

4000 U.S. Courthouse

700 Grant Street

Pittsburgh, PA 15219


Frederick Banks